

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE SANDS,

Plaintiff,

- against -

CBS INTERACTIVE INC.

Defendant.

Docket No. 1:18-cv-3793

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Steve Sands (“Sands” or “Plaintiff”), by and through his undersigned counsel, as and for his Complaint against Defendant CBS Interactive Inc. (“CBS” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of English actor Benedict Cumberbatch as Dr. Strange, owned and registered by Sands, a New York based professional photographer. Accordingly, Sands seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is transacting business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Sands is a professional photographer in the business of licensing his photographs to online and print media for a fee, having a usual place of business at 568 Grand Street, Apt J903, New York, New York 10002.

6. Upon information and belief, CBS is a foreign business corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 28 East 28th Street, New York, New York 10016. Upon information and belief, CBS is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, CBS has owned and operated a website at the URL: www.GameSpot.com (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Sands photographed actor Benedict Cumberbatch as Dr. Strange (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Sands is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with the United States Copyright Office and was given Copyright Registration Number VA 2-007-340.

B. Defendant’s Infringing Activities

10. On or about November 6, 2016, CBS ran an article on the Website entitled *Doctor Strange Helps Disney Box Office Hit \$6 Billion in 2016*. See <https://www.gamespot.com/articles/doctor-strange-helps-disney-box-office-hit-6-billi/1100-6445163/>. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit B.

11. CBS did not license the Photograph from Plaintiff for its article, nor did CBS have Plaintiff's permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST CBS)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. CBS infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. CBS is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by CBS have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover her damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant CBS be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
April 29, 2018

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580
Telephone: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Steve Sands

EXHIBIT A



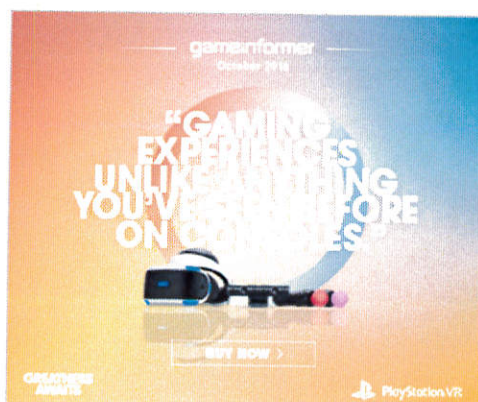
EXHIBIT B

Doctor Strange Helps Disney Box Office Hit \$6 Billion in 2016

And Star Wars: Rogue One is still coming.

Last updated by Eddie Makuch (/profile/eddienoteddy/) on November 6, 2016 at 3:21PM

Comments



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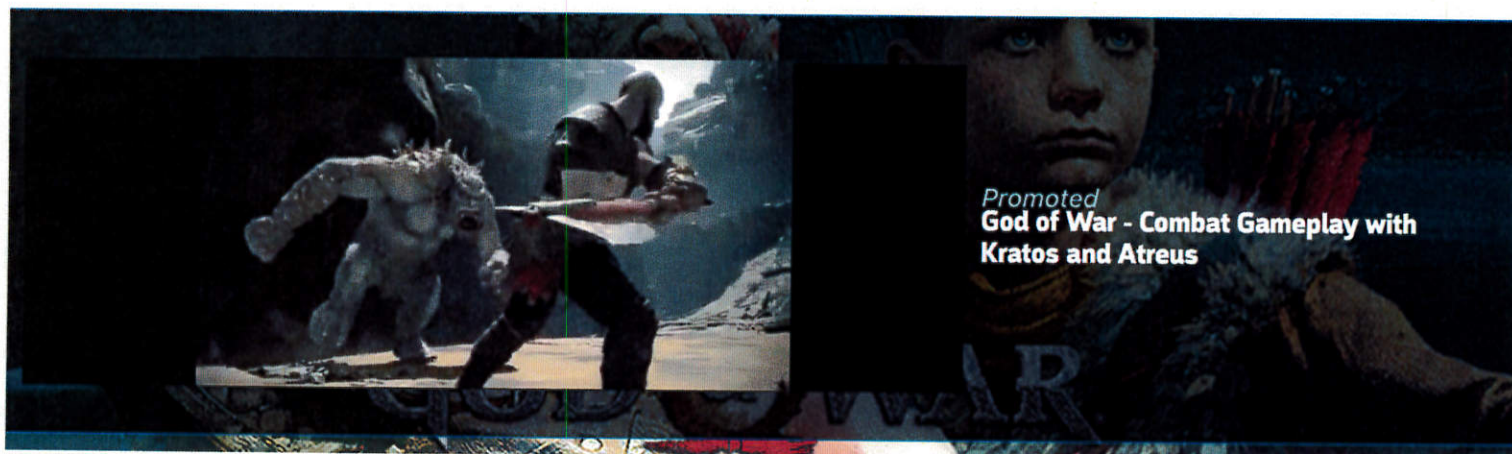
Earlier this week, Disney announced that the studio's movies collectively pulled in \$5.85 billion at the global box office through November 1 (<https://www.gamespot.com/articles/2016-is-disneys-biggest-year-ever-at-box-office/1100-6445044/>), making 2016 the company's biggest-earning year ever. Now that *Doctor Strange* is out, Disney's total box office take has passed \$6 billion.

strange-finding-dory-zootopia-captain-america-1201849749/). That's not an industry record, as Universal's box office take for 2015 ended with \$6.89 billion, fueled in part by the massive success of *Jurassic World*, the fourth-biggest movie in film history (<http://www.boxofficemojo.com/alltime/world/>).



As Deadline points out, Disney could pass Universal's record this year, as it still has big-time movies on the way including *Moana* and *Star Wars: Rogue One*. Disney's biggest hits this year included *Captain America: Civil War* (\$1.15 billion), *Finding Dory* (\$1.024 billion), *Zootopia* (\$1.023 billion), and *The Jungle Book* (\$966 million)

Doctor Strange made \$85 million for its US opening this weekend (<https://www.gamespot.com/articles/top-10-movies-at-the-us-box-office-this-weekend/1100-6445162/>). It was already released in international markets; its global box office take now stands at \$325.4 million through today.



For more on *Doctor Strange*, check out GameSpot's review (</articles/doctor-strange-review/1100-6444793/>) and what other critics are saying (</articles/doctor-strange-review-roundup/1100-6444783/>).

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 From The Web

(http://misspennystocks.com/career/child-stars-grown-up-trust-fund-financial-advisor?utm_source=taboola&utm_medium=cbsinteractive-
 gamespot&utm_campaign=1073063&utm_term=Remember+Her%3F+Take+A+Deep+Breath+Before+You+See+What+She+Looks+Like+Now&utm_content=http%3A%2F%2Fcdn.taboola.
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Remember Her? Take A Deep Breath Before You See What She Looks Like Now

Miss Penny Stocks

(http://misspennystocks.com/career/child-stars-grown-up-trust-fund-financial-advisor?utm_source=taboola&utm_medium=cbsinteractive-
 gamespot&utm_campaign=1073063&utm_term=Remember+Her%3F+Take+A+Deep+Breath+Before+You+See+What+She+Looks+Like+Now&utm_content=http%3A%2F%2Fcdn.taboola.
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(http://insight.adsrvr.org/track/clk?ch=search&adv=ryskqil&dn=taboola&kw=Mar18_Elysium_Perf_WL-pwI1-Discover_TB_A_Time_is-an-anti-aging-pill-on-the-
 horizon&r=https%3A%2F%2Fdiscover.elysiumhealth.com%2Ftime)

Why the NAD+ Pill Could Change How We Age

Time for Elysium Health

(http://insight.adsrvr.org/track/clk?ch=search&adv=ryskqil&dn=taboola&kw=Mar18_Elysium_Perf_WL-pwI1-Discover_TB_A_Time_is-an-anti-aging-pill-on-the-
 horizon&r=https%3A%2F%2Fdiscover.elysiumhealth.com%2Ftime)

(http://www.ancestry.com/s64393/t32179/rd.ashx?utm_source=taboola&utm_term=cbsinteractive-gamespot)

Do You Come From Royal Blood? Your Last Name May Tell You.

Ancestry

(http://www.ancestry.com/s64393/t32179/rd.ashx?utm_source=taboola&utm_term=cbsinteractive-gamespot)

(https://www.grammarly.com/better-writing?utm_campaign=shortform_10millionpeople&utm_medium=cpc&utm_source=taboola&utm_source=taboola&utm_medium=referral)

Avoid Embarrassing Work Mistakes With This Grammar Checking App

Grammarly

(https://www.grammarly.com/better-writing?utm_campaign=shortform_10millionpeople&utm_medium=cpc&utm_source=taboola&utm_source=taboola&utm_medium=referral)

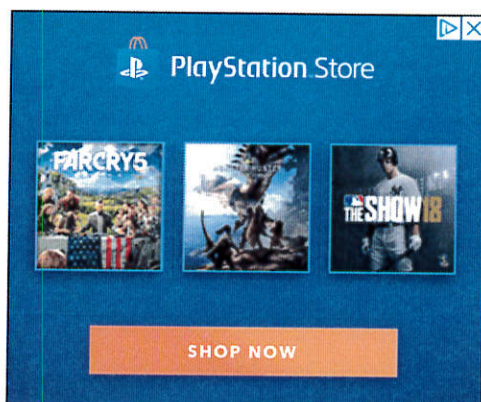
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MAKE THE RIGHT CHOICE



We're Giving Away A Limited Edition God Of War PS4 Pro For Free (US Only)

Enter for a chance to win!

Last updated by Sheiva Yazdani (/profile/khaleesiplays/) and Sam Leichtamer (/profile/samleichtamer/) on April 28, 2018 at 10:31AM



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We're giving away a **God of War** (<https://www.gamespot.com/god-of-war/>) **Limited Edition 1TB PS4 Pro, grey DualShock 4 Controller, and copy of the game!**

This special bundle features a fully customized Leviathan Grey 1TB PS4 Pro console inspired by Kratos' Axe, a matching DualShock 4 wireless controller with insignia, and a copy of God of War Day One Edition.

Entry is open to United States residents only, since the prize is shipping from the US. Competition ends Monday, May 7 at 11:00 AM PDT. One (1) winner will be chosen.

Enter below (the additional entries are OPTIONAL to increase your chances of winning):

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10
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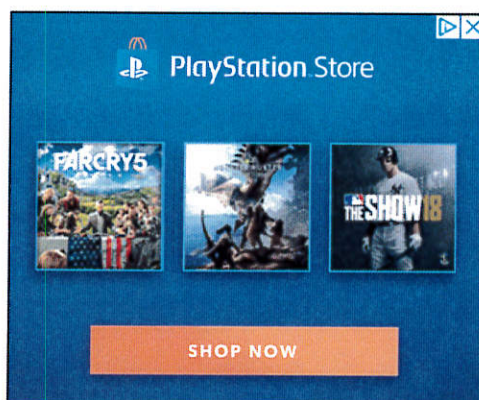
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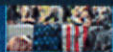
Filed under: God of War (/god-of-war/) PlayStation 4 (/ps4/)

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